

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
June 26, 2006

D045022 People v. Garces

The petition for rehearing is denied.

D046961 Kacha v. Allstate Insurance Company

The opinion filed June 1, 2006, is ordered certified for publication.

D045238 Bonner et al. v. County of San Diego et al.

As modified the petition for rehearing is denied. There is no change in the judgment.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
June 27, 2006

D046852 Thacher v. Touitou

Affirmed. Irion, J.; We Concur: Nares, Acting P.J., Haller, J

D046986 People v. Hunter

The judgment is affirmed. CERTIFIED FOR PUBLICATION. Irion, J.;

We Concur: McConnell, P.J., Benke, J.

D047757 San Diego Gas & Electric Company v. City of San Diego et al.

D048866 San Diego Gas & Electric Company v. City of San Diego et al.

The parties' stipulation to consolidate the above-entitled appeals is accepted. The appeals are consolidated.

D048696 Travis L. v. Superior Court of San Diego County/Cole et al.

The petition is denied.

D048650 Cassandra P. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency

The attorney for petitioner Cassandra P. has notified the court that a petition for writ of mandate under California Rules of Court, rules 38.1 and 1436.5 will not be filed as there are no viable issues for writ review. The case is dismissed.

D048547 Karla L. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency

The attorney for petitioner Karla L. has notified the court that a petition for writ of mandate under California Rules of Court, rules 38.1 and 1436.5 will not be filed as there are no viable issues for writ review. The case is dismissed.

D047277 People v. Reilly

The judgment is affirmed. McConnell, P.J.; We Concur: Benke, J., Huffman, J.

D046764 Vusse v. Bates

We dismiss Suzanne Bates's appeal of the judgment on the complaint and cross-complaint. We affirm the trial court's order denying relief from dismissal of the cross-complaint under Code of Civil Procedure section 473, subdivision (b). Irion, J.; We Concur: Benke, Acting P.J., O'Rourke, J.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
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DIVISION ONE
June 27, 2006 (Continued)

D047000 O'Neil v. College Loan and Special Purpose Corporation, Inc.

The judgment is reversed. On remand, the court shall enter an order denying summary adjudication in favor of CLSPC as to O'Neil's fifth, seventh and ninth causes of action and granting summary adjudication in favor of CLSPC as to O'Neil's remaining causes of action. Each party shall bear its own costs on appeal. McDonald, J.; We Concur: Nares, Acting P.J., O'Rourke, J.

D048479 Dorsett v. Experience Hendrix LLC

The matter having been considered by Presiding Justice McConnell and Associate Justices Benke and McIntyre, the cross-appeal filed by defendant Experience Hendrix, LLC is dismissed on the ground it is from a nonappealable order.

D048572 In re McNeal on Habeas Corpus

The petition is denied.

D048033 Wong v. Gregory

Appellant has failed to file a brief after notice given pursuant to California Rules of Court, rule 17(a). The appeal is dismissed.

D048693 In re McNeal on Habeas Corpus

The petition is denied.

D048646 In re Michael Allen on Habeas Corpus

The appeal is dismissed as untimely.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
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DIVISION ONE
June 28, 2006

D046974 In re Iker G., a Juvenile

The judgment is reversed. McDonald, J.; We Concur: Huffman, Acting P.J., Aaron, J.

D046484 Kushner et al. v. AT&T Corporation

The judgment is affirmed. Plaintiffs are to pay the ordinary costs on appeal. Huffman, Acting P.J.; We Concur: McIntyre, J., Aaron, J.

D048322 Center for Biological Diversity et al. v. City of Santee et al.

Upon written request filed by appellant, the appeal is dismissed and the remittitur is ordered to issue immediately.

D047497 People v. Jones

The judgment is affirmed. McIntyre, J.; We Concur: Nares, Acting P.J., Irion, J.

D046077 People v. R. V.

The record in the above entitled matter consists of a clerk's transcript, a sealed single volume reporter's transcript, a confidential envelope containing a probation report, redacted and unredacted copies of appellant's opening brief, respondent's brief and appellant's reply brief. This court's order dated October 28, 2005, made pursuant to California Rules of Court, rule 12.5 and 243.1, ordered page 14 of the clerk's transcript sealed. The trial court ordered portions of the record sealed and relied upon the sealed materials in sentencing appellant. Those portions of the record which were sealed in the trial court remain sealed in this court. (Cal. Rules of Court, rule 12.5(c)(1)). By prior orders of this court, the parties filed both public redacted briefs and unredacted briefs conditionally under seal. By order dated April 7, 2006, oral argument in this matter was held in camera and the electronic recording of that argument was ordered sealed.

The unredacted briefs are ordered sealed. The opinion of this court is ordered sealed. The probation reports are ordered sealed and the parties are directed to remove any probation reports contained in the clerk's transcript and maintain them under seal. Such orders are made because there exists an overriding interest that overcomes the right of public access to the records, the overriding interest supports sealing the records, a substantial probability exists that the overriding interest will be prejudiced if the records are not sealed, the proposed sealing is narrowly tailored and no less restrictive means exists to achieve the overriding interest. (Cal. Rules of Court, rule 12.5(e)(1), (6) and 243.1(d)-(e)). The parties are ordered not to disclose the content of any sealed materials in this case. (Cal. Rules of Court, rule 12.5(e)(9)). By separate, sealed opinion filed this date, we affirm the judgment. The portions of the sealed record, the unredacted briefs and the opinion shall remain sealed until further order of this court.

D046077 People v. R. V.

The judgment is affirmed. Benke, Acting P.J., We Concur: Huffman, J., McDonald, J.
(SEALED OPINION)

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
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June 29, 2006

D045882 Arechiga v. Arguilez et al.

Affirmed. The parties are to bear their own costs on appeal. Irion, J.; We Concur: McConnell, P.J., O'Rourke, J.

D046549 People v. Whitlock

The judgment is affirmed. O'Rourke, J.; We Concur: McConnell, P.J., Irion, J.

D048727 Michael A. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency

The attorney for petitioner Michael A. has notified the court that a petition for writ of mandate under California Rules of Court, rules 38.1 and 1436.5 will not be filed as there are no viable issues for writ review. The case is dismissed.

D045850 Ona Kennedy Family Partnership et al. v. HCP Chamber, LLC

D046494 Ona Kennedy Family Partnership et al. v. HCP Chamber, LLC

The judgment is affirmed. Benke, Acting P.J.; We Concur: Haller, J., O'Rourke, J.

D045795 Brook Hills Homeowners Association v. Bass et al.

The request for publication is denied.

D046822 Escamilla v. California Department of Corrections

The order is modified to provide that it grants Escamilla's petition for writ of mandamus, rather than petition for writ of habeas corpus. As modified, the order is affirmed. Escamilla is entitled to costs on appeal. McDonald, Acting P.J.; We Concur: McIntyre, J., O'Rourke, J.

D048642 In re Stevenson on Habeas Corpus

The petition is denied.

D048502 In re Koll on Habeas Corpus

The petition is denied.

D047782 In re Hill on Habeas Corpus

The June 19, 2006, request of petitioner to withdraw the petition for writ of habeas corpus filed on January 4, 2006, is granted. The petition is dismissed. The clerk of the court is directed to return the petition and exhibits to counsel of record, Fred T. Uebbing.

D048524 City of San Diego v. Superior Court of San Diego County/Orrick Herrington & Sutcliffe et al.

The petition is denied.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
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DIVISION ONE
June 29, 2006 (Continued)

D048523 D. R. Horton San Diego Holding Company, Inc. v. Superior Court of San Diego County/Adkison et al.

The petition is denied.

D045998 Rodriquez v San Diego City Attorney etc. et al.

The petition for rehearing is denied.

D048466 In re Falu on Habeas Corpus

The petition is denied.

D048888 7-Eleven Inc., et al. v. Jerry Jolly as Director etc. of Department of Alcoholic Beverage Control et al./Alcoholic Beverage Control Appeals Board

The petition is denied.

D048886 7-Eleven Inc., et al. v. Jerry Jolly as Director etc. of Department of Alcoholic Beverage Control et al./Alcoholic Beverage Control Appeals Board

The petition is denied.

D047569 In re Goodrum on Habeas Corpus

The petition is denied.

D048440 In re Vonda White on Habeas Corpus

The petition is denied.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
June 30, 2006

D046385 People v. Decker

The judgment is affirmed. O'Rourke, J.; We Concur: McConnell, P.J., Benke, J.

D048510 In re Bryant on Habeas Corpus

The petition for rehearing has been read and considered by Justices Benke, Haller and McIntyre. Stanford P. Bryant has requested a rehearing as to our order denying him habeas corpus relief. The order denying the habeas corpus petition was final as to this court when it was filed on June 2, 2006. (Cal. Rules of Court, rule 24(b)(2)(A)). The court no longer has authority to reconsider or rehear the matter. (Cal. Rules of court, rules 24(c)(1),25(a)).

D046709 Century National Insurance Company v. Abbott

The judgment is affirmed. CNI is awarded costs on appeal. McConnell, P.J.;
We Concur: O'Rourke, J., Irion, J.

**D047074 Pointe San Diego Residential Community L.P. et al. v. Procopio, Cory,
Hargreaves & Savitch, LLP**

The order is affirmed. The purported appeal by Pointe SDMU is dismissed. O'Rourke, J.; We
Concur: McConnell, P.J., Benke, J.,

D046739 Sanford v. West Corporation et al./Berryman et al.

The judgment is reversed insofar as it concerns the denial of Sanford's motion for leave to amend. The judgment is affirmed in all other respects. The order denying Berryman and Blankenship's motion for leave to intervene is reversed. The court is directed to determine whether Berryman and Blankenship should be added to the complaint as named plaintiffs and class representatives through an amendment to the complaint or by intervention. Berryman and Blankenship are awarded costs on appeal; Sanford is to bear her own costs on appeal. McConnell, P.J.; We Concur: Benke, J., Irion, J.

D046850 Stafford v. Spirit Sciences USA Inc., et al.

The judgment is affirmed. Spirit Sciences is entitled to costs on appeal. McConnell, P.J.;
We Concur: Haller, J., Irion, J.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
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June 30, 2006 (Continued)

D046324 People v. Perez

Judgment affirmed. Benke, Acting P.J.; We Concur: Haller, J., Aaron, J.

D048159 People v. Stewart

The judgment is affirmed. McConnell, P.J.; We Concur: Huffman, J., O'Rourke, J.

D046595 People v. Camilla

We affirm the trial court's judgment and sentence. Aaron, J.; We Concur: Huffman, Acting P.J., Nares, J.

D048019 In re Vargas on Habeas Corpus

The petition is denied.

D047057 People v. Moore

The judgment is affirmed. Haller, J.; We Concur: McConnell, P.J., McDonald, J.

D046010 In re the Marriage of Spring

Order affirmed. Benke, Acting P.J.; We Concur: Haller, J., O'Rourke, J.

D048365 People v. White

Upon filing an abandonment of appeal, personally signed by the defendant, the appeal is dismissed and the remittitur is ordered to issue immediately (Cal. Rules of Court, rule 30.3).

D048475 In re Barton on Habeas Corpus

The petition is denied.

D048145 In re Nasirichampang on Habeas Corpus

The petition is denied.

D048748 Liana Z. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency

The attorney for petitioner Liana Z. has notified the court that a petition for writ of mandate under California Rules of Court, rules 38.1 and 1436.5 will not be filed as there are no viable issues for writ review. The case is dismissed.

D048008 People v. Alexander

Appellant has failed to file a brief after notice given pursuant to California Rules of Court, rules 33(c)(5) and 17. The appeal is dismissed.